

REMARKS

By this Amendment, claim 13 is cancelled, and claims 1-12 are amended. Thus, claims 1-12 are active in the application. Reexamination and reconsideration of the application are respectfully requested.

The specification and abstract have been carefully reviewed and revised in order to correct grammatical and idiomatic errors in order to aid the Examiner in further consideration of the application. The amendments to the specification and abstract are incorporated in the attached substitute specification and abstract. No new matter has been added.

Also attached hereto is a marked-up version of the substitute specification and abstract illustrating the changes made to the original specification and abstract.

In item 5 on page 4 of the Office Action, claims 10-13 were rejected under 35 U.S.C. § 101 as being directed to nonstatutory subject matter. In particular, the Examiner asserted that claims 10-13 were each directed to a recording medium storing nonfunctional descriptive material.

This rejection is believed to be moot with respect to claim 13 in view of the cancellation of this claim. The preambles of claims 10-11 were each amended to recite “a computer-readable recording medium having a video processing program stored thereon for making a computer execute a process of recording plural pieces of digital data.” Accordingly, claims 10-11, as amended, each recite data structures as embodied in computer-readable media and thus recite patentable subject matter under 35 U.S.C. § 101.

M.P.E.P. §2106(IV) discusses the guidelines for determining whether or not a computer-related invention is patentable subject matter under 35 U.S.C. §101. This section indicates that “[d]escriptive material can be characterized as either “functional descriptive material” or “nonfunctional descriptive material.” Functional descriptive material includes data structures and computer programs that impart functionality when employed as a computer component. Nonfunctional descriptive material includes music, literary works, and compilations or arrangements of data. Both types of descriptive material are non-statutory when claimed as descriptive material per se. However, when functional descriptive material is recorded on some computer-readable medium, it

becomes structurally and functionally interrelated to the medium and will be statutory in most cases, as opposed to nonfunctional descriptive material which still is not statutory.

Claim 12 has been amended to recite a computer-readable recording medium operable to be accessed by a computer and having stored thereon plural pieces of digital data, multiplexing flags corresponding to the respective digital data and indicating whether or not the respective digital data are multiplexed, and a scene description flag indicating whether there is scene description data that indicate the respective playback times or playback position of the digital data.

Accordingly, by reciting a computer-readable recording medium having the plural pieces of digital data, multiplexing flags and a scene description flag stored thereon and by reciting that the computer-readable recording medium is operable to be accessed by a computer, claim 12 clearly recites patentable subject matter under 35 U.S.C. § 101.

Therefore, the Applicants respectfully request the Examiner to withdraw the rejection of claims 10-12 under 35 U.S.C. § 101.

In item 2 on page 2 of the Office Action, claims 1, 3-6 and 8-13 were rejected under 35 U.S.C. § 102(e) as being anticipated by Kawamura et al. (U.S. 6,314,234). This rejection is believed to be moot with respect to claim 13 in view of the cancellation of this claim.

Without intending to acquiesce to this rejection, independent claims 1, 5-6 and 8-12 have each been amended in order to more clearly illustrate the marked differences between the present invention and the applied references. Accordingly, the Applicants respectfully submit that claims 1, 3-6 and 8-12 are clearly patentable over Kawamura et al. for the following reasons.

The video processing method of claim 1 and the video processing apparatus of claims 5 and 9 are each recited as receiving an instruction signal indicating whether the plural pieces of digital data are to be multiplexed or are to be demultiplexed and recorded (outputted). Furthermore, the video processing method of claim 1 and the video processing apparatus of claims 5 and 9 are each recited as multiplexing the plural pieces of digital data, and outputting the multiplexed digital data and a flag indicating whether or not the digital data are multiplexed, when the instruction signal indicates that the digital data are to be multiplexed. Moreover, the video processing method of claim 1 and

the video processing apparatus of claims 5 and 9 are each recited as adding information for synchronization to the plural pieces of digital data without multiplexing the digital data, and outputting the digital data having the information for synchronization added thereto, when the instruction signal indicates that the digital data are to be demultiplexed and outputted.

The computer-readable recording medium of claim 10 has a program stored thereon for performing a process similar to the video processing method of claim 1.

The aforementioned features of claims 1, 5 and 9-10 are described by, for example, program #2 in Figure 3(a), steps S417-S423 in Figure 4, and page 15, lines 7-18 and page 17, line 2 to page 18, line 11 of the original specification (page 15, lines 14-25 and page 17, line 9 to page 18, line 18 of the substitute specification).

The method of claim 1, the apparatus of claims 5 and 9, and the computer-readable recording medium of claim 10 accordingly do not necessarily perform multiplexing when digital data are recorded to a recording medium which is able to input and output data at high speeds. Furthermore, the inventions of claims 1, 5 and 9-10 are capable of performing demultiplexing of video and audio data without having to multiplex the data when it is recorded on or accessed from the recording medium, and are further capable of recording and transmitting video and audio data when it is possible to input and output video and audio data at one time.

Kawamura et al. discloses a system for reproducing multiplexed data with video, audio and superimposed dialogue data compressed at a variable bit rate. In particular, the system of Kawamura et al. consults a multiplexing flag when reproducing the multiplexed data. The multiplexing flag indicates whether or not video data, audio data and superimposed dialogue data are multiplexed in the multiplexed data in a track of a data storage medium (see Column 13, line 58 to Column 14, line 5, and Figure 17).

However, in contrast to the inventions of claims 1, 5 and 9-10, Kawamura et al. clearly does not disclose or suggest receiving an instruction signal, which is different than a multiplexing flag, indicating whether the plural pieces of digital data are to be multiplexed or are to be demultiplexed and recorded (outputted).

Furthermore, Kawamura et al. clearly does not disclose or suggest adding information for synchronization to the plural pieces of digital data without multiplexing

the digital data, and outputting the digital data having the information for synchronization added thereto, when the instruction signal indicates that the digital data are to be demultiplexed and outputted, as recited in claims 1, 5 and 9-10.

Therefore, claims 1, 5 and 9-10 are clearly not anticipated by Kawamura et al. since Kawamura et al. fails to disclose each and every limitation of claims 1, 5 and 9-10.

The video processing method of claim 6 and the video processing apparatus of claim 8 are recited as receiving a multiplexing flag indicating whether or not the plural pieces of digital data are multiplexed, and a scene description flag indicating whether or not there is scene description data that indicate the respective playback times or playback positions of the digital data.

The computer-readable recording medium of claim 11 has a program stored thereon for performing a process similar to the video processing method of claim 6.

As described above, the system of Kawamura et al. consults a multiplexing flag when reproducing the multiplexed data. However, the system of Kawamura et al. is clearly not disclosed or suggested as receiving both a multiplexing flag and the scene description flag, as recited in claims 6, 8 and 11.

Therefore, claims 6, 8 and 11 are clearly not anticipated by Kawamura et al. since Kawamura et al. fails to disclose each and every limitation of claims 6, 8 and 11.

The computer-readable recording medium of claim 12 is recited as storing multiplexing flags corresponding to the respective digital data and indicating whether or not the respective digital data are multiplexed, and a scene description flag indicating whether there is scene description data that indicate the respective playback times or playback position of the digital data.

However, the data storage medium of Kawamura et al. is clearly not disclosed or suggested as storing either the multiplexing flag or the scene description flag as recited in claim 12.

Therefore, claim 12 is also clearly not anticipated by Kawamura et al. since Kawamura et al. fails to disclose each and every limitation of claim 12.

Accordingly, for at least the foregoing reasons, claims 1, 5-6 and 8-12, as well as claims 3-4 which depend therefrom, are clearly patentable over Kawamura et al. since

Kawamura et al. fails to disclose or suggest each and every limitation of claims 1, 5-6 and 8-12.

In item 3 on page 4 of the Office Action, claims 2 and 7 were rejected under 35 U.S.C. § 102(e) as being anticipated by Suzuki et al. (U.S. 6,567,427). Without intending to acquiesce to this rejection, independent claims 2 and 7 have each been amended in order to more clearly illustrate the marked differences between the present invention and the applied references.

The video processing method of claim 2 and the video processing apparatus of claim 7 are recited as receiving plural pieces of digital data including at least one of video and audio data, and a scene description flag indicating whether there is scene description data that indicate the respective playback times of the digital data.

Suzuki et al. discloses an image signal multiplexing/demultiplexing apparatus and method where a synthesizer circuit 252 produces an image signal and inputs a scene descriptor (SD) as decoding information. Suzuki et al. discloses that the scene descriptor indicates positions and is composed of nodes that correspond to one three-dimensional or two-dimensional object (see Column 17, lines 7-19 and Figure 4).

However, in contrast to the inventions of claims 2 and 7, Suzuki et al. does not disclose or suggest an apparatus or method for receiving scene description data indicating the playback times of the digital data.

Therefore, claims 2 and 7 are clearly not anticipated by Suzuki et al. since Suzuki et al. fails to disclose each and every limitation of claims 2 and 7.

Accordingly, claims 2 and 7 are clearly patentable over Suzuki et al. since Suzuki et al. fails to disclose or suggest each and every limitation of claims 2 and 7.

Because of the clear distinctions discussed above, it is submitted that the teachings of Kawamura et al. and Suzuki et al. clearly do not meet each and every limitation of claims 1-2 and 5-12.

Furthermore, it is submitted that the distinctions are such that a person having ordinary skill in the art at the time the invention was made would not have been motivated to modify Kawamura et al. and Suzuki et al. in such a manner as to result in, or otherwise render obvious, the present invention as recited in claims 1-2 and 5-12.

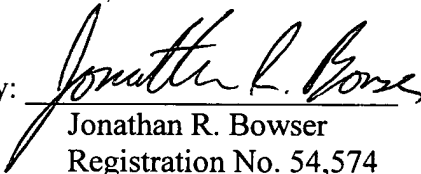
Therefore, it is submitted that the claims 1-2 and 5-12, as well as claims 3-4 which depend therefrom, are clearly allowable over the prior art as applied by the Examiner.

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is clearly in condition for allowance. An early notice thereof is respectfully solicited.

If, after reviewing this Amendment, the Examiner feels there are any issues remaining which must be resolved before the application can be passed to issue, the Examiner is respectfully requested to contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

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